

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

ORDER

The government has filed in this district a sealed motion requesting that this court set a hearing to review the detention decision of a Magistrate Judge located in the Central District of California, where the defendant was arrested on charges pending in this district. (Docket No. 7) The government requests that the defendant remain under arrest, despite the Magistrate Judge's Order releasing the defendant on conditions, until the defendant can be transported to this district for a hearing to be held in this district. The court is informed that transportation of the defendant would take several weeks.

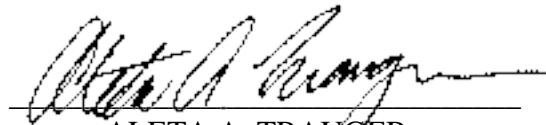
The Sixth Circuit has determined, in an unpublished decision (the only Sixth Circuit authority the court has been able to locate on this issue) that the review of the Magistrate Judge's decision releasing the defendant may be conducted by a district judge either in the Central District of California, the district of the defendant's arrest, or in this district, the district where the charges are pending. *United States v. Johnson*, 103 F.3d 131, 1996 WL 711592 (C.A. 6 Ohio). Given the mandate of 18 U.S.C. § 3145(a) that the review of a release order "shall be determined promptly," the government may have two options. Either the government may refile its motion for review of the release order in the District Court for the Central District of

California, where a district judge in that district will be reviewing the Order issued by its Magistrate Judge. (The government would determine whether an Assistant United States Attorney in that district would prosecute the case or the prosecutor from this district would do so). Or, as an alternative procedure, the Magistrate Judge's release order will be effectuated so that the defendant may find his own transportation to this district for the review hearing, which this court will set promptly. Obviously, if the defendant is released in California and does not appear before this court, he would be subject to immediate arrest.

It is hereby **ORDERED** that, by close of business on September 24, 2013, the government shall either file its motion for review in the District Court for the Central District of California and give this court notice of such filing, or the government shall file a motion for a prompt hearing in this district, which would allow the release order of the Magistrate Judge to take effect in California.

It is so **ORDERED**.

ENTER this 23rd day of September 2013.



ALETA A. TRAUGER
U.S. District Judge